

Some people find that privacy ruling distressing. I think it said: Do you know what. This is a great country because we respect our people. We are not an oppressive government like China. We are not an oppressive government like Romania certainly was. We don't force our people to have children. And we don't force them to have abortions. We trust them to think about what they want to do in such a situation.

I am extremely hopeful that in one moment from now we will have a big vote, a big vote to disagree with what the House did when they callously stripped out the Roe language that Senator HARKIN put in.

I hope it is a big vote. I cannot wait to see the vote because we are going to make sure the Supreme Court understands that we still stand for the life and health of the woman.

The PRESIDING OFFICER. All time has expired.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to disagree to the House amendment. The clerk will call the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

I further announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

I further announce that if present and voting the Senator from Utah (Mr. HATCH) would vote "yea".

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 351 Leg.]

YEAS—93

Akaka	Chambliss	Feingold
Alexander	Clinton	Feinstein
Allard	Cochran	Fitzgerald
Allen	Coleman	Frist
Baucus	Collins	Graham (SC)
Bayh	Conrad	Grassley
Bennett	Cornyn	Gregg
Biden	Corzine	Hagel
Bingaman	Craig	Harkin
Bond	Crapo	Hollings
Boxer	Daschle	Hutchison
Breaux	Dayton	Inhofe
Brownback	DeWine	Inouye
Bunning	Dodd	Jeffords
Burns	Dole	Johnson
Byrd	Domenici	Kennedy
Campbell	Dorgan	Kohl
Cantwell	Durbin	Kyl
Carper	Ensign	Landrieu
Chafee	Enzi	Lautenberg

Leahy	Nelson (NE)	Shelby
Levin	Nickles	Snowe
Lincoln	Pryor	Specter
Lott	Reed	Stabenow
Lugar	Reid	Stevens
McCain	Roberts	Sununu
McConnell	Rockefeller	Talent
Mikulski	Santorum	Thomas
Murkowski	Sarbanes	Voinovich
Murray	Schumer	Warner
Nelson (FL)	Sessions	Wyden

NOT VOTING—7

Edwards	Kerry	Smith
Graham (FL)	Lieberman	
Hatch	Miller	

The motion was agreed to.

Mrs. FEINSTEIN. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate agrees to the request for a conference.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, in the unanimous consent agreement, we now have a series of five votes on judges. I ask unanimous consent that those votes be 10 minutes each in duration.

Mrs. BOXER. Reserving the right to object, and I will not object, except to say I hope the Senate notes we had a 93-to-0 vote in favor of the Harkin amendment on Roe, and we hope our conferees will fight hard to keep that language in this bill.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF R. DAVID PROCTOR, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and consider Executive Calendar No. 352, which the clerk will report.

The legislative clerk read the nomination of R. David Proctor, of Alabama, to be United States District Judge for the Northern District of Alabama.

The PRESIDING OFFICER. There are 2 minutes of debate equally divided on this nomination.

Who yields time?

The Senator from Alabama.

Mr. SESSIONS. Madam President, I am delighted that David Proctor is moving forward, as I believe three other nominees are from New York. David Proctor was an outstanding student in his undergraduate studies at Carson Newman College. He served on the Law Review at the University of

Tennessee. He was at the top of his class in law school. He clerked for Judge Emory Widener on the Fourth Circuit Court of Appeals.

He was a member of one of Alabama's largest and most prestigious law firms, Sirote & Permutt. And then he formed his own firm: Lehr, Middlebrooks, Price & Proctor.

He is a lawyer's lawyer, a practitioner who is in court on a regular basis, a man of great integrity and ability. I believe he is going to be a terrific Federal judge. He wants more than anything to give his life to serving the law. I think he will do that. It is a great honor for me to support his nomination.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I support the nominee who has been addressed by the Senator from Alabama.

I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Madam President, I am pleased today to speak in support of R. David Proctor, who has been nominated to the United States District Court for the Northern District of Alabama.

Mr. Proctor graduated with honors from the University of Tennessee College of Law in 1986. Following his graduation, he clerked for the Honorable Emory Widener Jr. on the U.S. Court of Appeals for the Fourth Circuit.

Mr. Proctor next entered private practice with the law firm of Sirote & Permutt, first as an associate and then as a partner. He left Sirote in 1993 to become a partner at Lehr, Middlebrooks, Price & Proctor, where he currently practices law. He specializes in labor, employment and civil rights law, representing employers and public sector entities ranging from Fortune 500 companies to small businesses. Furthermore, he has authored numerous articles on employment law. In recent years, Mr. Proctor has augmented his litigation practice with mediation.

I would like to share with my colleagues a letter sent to the committee in support of Mr. Proctor's nomination by Alex Newton, a partner in the Birmingham law firm of Hare, Wynn, Newell and Newton. Mr. Newton is a self-described "lifelong active Democrat." He has known Mr. Proctor since the beginning of his legal career and highly recommends him to the bench. He writes that Mr. Proctor has "broad experience . . . as an attorney. He is energetic, personable and blessed with absolute integrity. As a judge, I have no doubt he would rule without being influenced by race, creed, wealth or poverty of the litigant before him. He would serve . . . with distinction."

As this letter attests, Mr. Proctor is an experienced attorney who will be an

asset to the Federal bench. I urge my colleagues to join me in supporting his nomination.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LEAHY. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of R. David Proctor, of Alabama, to be United States District Judge for the Northern District of Alabama? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

I further announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

I further announce that if present and voting, the Senator from Utah (Mr. HATCH) would vote "yea".

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 352 Ex.]

YEAS—92

Akaka	Dayton	Lott
Alexander	DeWine	Lugar
Allard	Dodd	McCain
Allen	Dole	McConnell
Baucus	Domenici	Mikulski
Bayh	Dorgan	Murkowski
Bennett	Durbin	Murray
Biden	Ensign	Nelson (FL)
Bingaman	Enzi	Nelson (NE)
Bond	Feingold	Nickles
Boxer	Feinstein	Pryor
Breaux	Fitzgerald	Reed
Brownback	Frist	Reid
Bunning	Graham (SC)	Roberts
Burns	Grassley	Rockefeller
Byrd	Gregg	Santorum
Campbell	Hagel	Sarbanes
Cantwell	Harkin	Schumer
Carper	Hutchison	Sessions
Chafee	Inhofe	Shelby
Chambliss	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Coleman	Kennedy	Stevens
Collins	Kohl	Sununu
Conrad	Kyl	Talent
Cornyn	Landrieu	Thomas
Corzine	Lautenberg	Voinovich
Craig	Leahy	Warner
Crapo	Levin	Wyden
Daschle	Lincoln	

NOT VOTING—8

Edwards	Hollings	Miller
Graham (FL)	Kerry	Smith
Hatch	Lieberman	

The nomination was confirmed.

NOMINATION OF SANDRA J. FEUERSTEIN TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will report the nomination of Sandra J. Feuerstein.

The legislative clerk read the nomination of Sandra J. Feuerstein, of New York, to be U.S. district judge for the Eastern District of New York.

The PRESIDING OFFICER. There are two minutes of debate equally divided on the nomination. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Madam President, I yield to the senior Senator from New York. These next four nominees come here with bipartisan support. As a result, they went through very quickly.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, this is the first of four nominees from New York. They are all very qualified, fine people.

The only point I wish to make is that the administration and the Governor worked closely with the Senate and with me and Senator CLINTON on these nominations. I think it shows, when there is cooperation, when there is true advice as part of the advise and consent process, we can come up with excellent nominees.

Each one of the nominees meets the criteria I believe we should have in every Federal judge—legal excellence, moderation, not too far left, not too far right, and diversity.

I will speak once because there are four of them, but I am proud to be here to vote for every one of the four nominees.

Again, if we get cooperation, we can do this without acrimony, without partisanship. That is what has happened in New York.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANTORUM. Madam President, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Madam President, I rise today to express my unqualified support for the nomination of Sandra Feuerstein to the U.S. District Court for the Eastern District of New York, and to urge my colleagues to confirm this fine nominee.

Justice Feuerstein has excellent academic and professional qualifications for the Federal bench. After her graduation from Cardozo Law School, she joined the clerk pool of the New York Supreme Court Law Department. In 1985, she was chosen to clerk for Justice Leo H. McGinley, an administrative judge in the New York State Supreme Court. In 1987, she joined the bench of the Nassau County District Court. In 1994, Justice Feuerstein be-

came a Justice of the New York State Superior Court, where she would remain for the next five years. Since 1999, she has been a Justice on the New York State Appellate Division—New York's highest State court.

In addition to her proven bench experience, Justice Feuerstein is a highly recognized public figure. She has lent her extensive talents to the Nassau County Bar, various pro bono programs that she has founded or chaired, and many charitable organizations like the American Cancer Society. In the last decade, Justice Feuerstein has been the recipient of such awards as: Judge of the Year twice, Woman of the Year, Pro Bono Recognition Award, and Outstanding Committee Chairperson of the Year Award, to name a few. Earlier in her career, Justice Feuerstein was both an associated editor and editor of the Nassau Lawyer. In addition to her professional, charitable and publishing duties, she has been an adjunct professor at Hofstra University Law School since 1998.

Justice Feuerstein possesses the qualifications, the capacity, and the temperament a judge needs to serve on the federal bench. I am pleased to support this stellar nominee.

Mr. DASCHLE. Madam President, prior to the start of the vote, I know there are a number of Senators concerned about the schedule, given the conditions. I ask the distinguished Senator from Vermont, the ranking member of the Judiciary Committee, what his intentions would be with regard to additional rollcall votes. We anticipated taking up five nominations this afternoon. I have been consulting with him, and I really appreciate, as always, his cooperation on this matter.

I ask if he has any intention of seeking rollcall votes on the other nominees who are currently pending?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, if I may respond to my friend from South Dakota, I assured the distinguished Senators from New York and the distinguished Senators from Alabama that we would have support on the Alabama judge, which we just voted on, and the next one is from New York, and we would get them confirmed.

I have been asked by a number of Senators, both Republicans and Democrats, because of the weather, if there is a possibility to just have this next rollcall vote and do the remaining three by voice vote. I would have no objection. Would that be the last vote of the day?

Mr. SANTORUM. Madam President, I do not think the leader is prepared to say that yet.

Mr. LEAHY. If we are going to have more votes, we might as well go ahead.

Mr. SANTORUM. I don't know. We will discuss it with the leader.

Mr. LEAHY. Why don't we go forward with this vote. If the decision is made that there will be no further rollcall votes while we are voting on this next